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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,365	11/20/2003	Toyokazu Sugimoto	83394.0020	3596
26/021 7590 09/17/2008 HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER				
VETTER, DANIEL				
ART UNIT		PAPER NUMBER		
3628				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,365

Applicant(s)

SUGIMOTO ET AL.

Examiner

DANIEL P. VETTER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 3-4 and 7-10 were previously pending in this application. Claim 3 was amended in the reply filed June 3, 2008. Claims 3-4 and 7-10 are currently pending in this application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to the rejections made under § 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 3-4 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. As per claim 3, the claim limitation "authentication means for validity" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35

U.S.C. 112, sixth paragraph, because the subsequently recited receipt of the second identifier transmitted from the user terminal appear to be the act and structure used for validity. Moreover, the term "validity" by itself does not even serve to specify a function to be performed by the authentication means, and accordingly the scope of the claim cannot be construed.

The claim limitation "means for referring" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the subsequently recited data base and displaying steps used. It is also not clear if "specifying" is a separate function performed by the "means for referring" or if it is the methodology used for "referring." Moreover, it is not even clear what function "referring a data base" and merely "specifying" certain information are performing, and therefore it is not possible to truly ascertain the scope of the claim under 112, sixth paragraph, by identifying the corresponding structure used to perform the function in the specification. The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor. *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). An indefiniteness rejection is appropriate if the written description of the specification discloses no corresponding algorithm. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1337-38, 86 USPQ2d 1235, 1243 (Fed. Cir. 2008). The algorithm used in the specification for "referring a data base" and "specifying" identifiers cannot be determined because the description of the functions in the claims themselves are too vague to ascertain the desired function.

The claim limitation "reservation information registering means for obtaining" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35

U.S.C. 112, sixth paragraph, because the subsequently recited data base and other structural requirements such as a user terminal in communication with the recited means.

The claim limitation "means for reading" uses the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the subsequently recited reader used to read the identifier. Moreover it is unclear what structure performs the subsequent functions claimed (i.e., whether or not the "means for reading" performs the "investigating" and "admitting").

If applicant wishes to have these claim limitations treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase "means for" or "step for" is clearly **not** modified by sufficient structure, material, or acts for performing the claimed function.

If applicant **does not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (e.g., deleting the phrase "means for" or "step for"). Claims 4 and 7-10 inherit the above deficiencies by virtue of their dependence from claim 3 and, as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al., U.S. Pat. No. 5,502,806 (Reference A of the PTO-892 part of

paper no. 20070523) in view of Waytena, et al., U.S. Pat. No. 6,748,364 (Reference A of the attached PTO-892).

9. As per claim 3, Mahoney teaches a facility reserving system comprising:

a server on a reservation side including (col. 3, line 17): an authentication means for validity of the second identifier by receiving the second identifier transmitted from a user terminal via the communications network (col. 3, lines 18-23); and a reservation information registering means for obtaining the authentication and carrying out a communication with the user terminal (col. 4, lines 3-7), for associating the specified first identifier with a reservation facility name and reservation time slot information which are produced by a user operating the user terminal (col. 4, lines 7-10), and for registering the first identifier, the reservation facility name, and the reservation time slot information in a facility reservation data base (DB) (col. 4, lines 17-20, 30-32; col. 6, lines 48-53),

an administration device on a facility side including: means for reading the first identifier from an information storage element mounted on the admission ticket via a reader (col. 4, lines 33-34), referring a facility name and a reservation time registered in the facility reservation DB from the read first identifier (col. 4, lines 33-36), investigating whether or not a usage of the facility is in accordance with a reservation (col. 4, lines 36-37), and admitting the usage in a case of being in accordance with the reservation (col. 4, line 37).

Mahoney further teaches the use of data bases for managing reservations (e.g., col. 5, line 38), and maintaining records of relationships between identifiers (e.g., between patron and the patron's issued card in col. 3, lines 20-25). However, it does not explicitly teach means for referring a data base displaying a relationship between the first identifier and the second identifier and for specifying the first identifier corresponding to the second identifier received; which is taught by Waytena (Figs. 2A-2D; col. 10, lines 24-60). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Waytena as the means for referring and specifying because this is merely a combination of old elements. In the combination each element would have served the same function as it

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did separately. One skilled in the art would have recognized that the means for referring taught by Waytena could be incorporated into the already disclosed data bases and record-keeping functionality of Mahoney through routine engineering producing predictable results.

10. As per claim 4, Mahoney in view of Waytena teaches the system of claim 3 as described above. Mahoney further teaches at the time of admission into said site or facility, the unique, first identifier of the information storage element mounted in said admission ticket is readout (col. 4, lines 33-36), and admission is permitted while referring to said facility reservation information registered with said facility reservation DB with this identifier as a key (col. 4, line 37).

11. As per claim 8, Mahoney in view of Waytena teaches the system of claim 3 as described above. Mahoney further teaches a reservation screen information producing/outputting means (col. 4, line 15) for, by referring to said facility reservation DB, producing screen information in a form where information for reservation-available facility names and time slots thereof can be selected by the user (col. 4, lines 13-15) and providing the same to said user terminal or on-site-installed reservation terminal (col. 4, line 15).

12. As per claim 9, Mahoney in view of Waytena teaches the systems of claims 3 and 4 as described above. Mahoney further teaches a reservation screen information receiving means (col. 4, line 15) for carrying out communications with said facility reserving system upon approximation or loading of information storage element having said computer-identifiable unique, first identifier, mounted in said admission ticket (col. 4, lines 4-7; col. 6, lines 41-47) and receiving, from said facility reserving system, reservation screen information in a form where information for reservation-available facility names and time slots thereof can be selected (col. 4, line 12); and a selection input information communicating means for taking in a selection input for a facility reservation by the user while displaying said reservation screen information (col. 4, lines 13-15) and sending the same to said facility reserving system via said communications network (col. 4, line 15).

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13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al. in view of Waytena, et al., as applied to claim 3 above, in further view of Redmann, et al., U.S. Pat. Pub. No. 2002/0174003 (Reference B of the PTO-892 part of paper no. 20070523).

14. As per claim 7, Mahoney in view of Waytena teaches the system of claim 3 as described above. Mahoney further teaches a group (col. 1, line 35) reservation receiving means (col. 4, line 5) for receiving human-perceptible unique, second identifiers respectively displayed on said admission tickets (col. 3, line 23) for a predetermined number of persons (col. 4, lines 52-55). Mahoney in view of Waytena does not teach via said admission ticket possessed by a representative and permitting a reservation input thereof only for an identical time slot of an identical facility; which is taught by Redmann (¶¶ 0143-47). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Redmann into the system taught by Mahoney in view of Laval in order to allow for a preferred party to use a no-wait entrance to an attraction (as taught by Redmann; ¶ 0143). Moreover, this is merely a combination of known elements that could be incorporated by routine engineering producing predictable results.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney, et al. in view of Waytena, et al., as applied to claim 9 above, in further view of DeLorme, et al., U.S. Pat. No. 5,948,040 (Reference C of the PTO-892 part of paper no. 20070523).

16. As per claim 10, Mahoney in view of Waytena teaches the system of claim 9 as described above. Mahoney in view of Waytena does not explicitly teach a display control means for displaying, in addition to a present location, an arrangement of facilities installed at the periphery in a map form and also displaying already-reserved facilities in a manner differentiated from other facilities. DeLorme teaches a display control means (col. 14, line 60) for displaying, in addition to a present location, an

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arrangement of facilities installed at the periphery in a map form (col. 22, lines 49-51; col. 29, line 27) and also displaying already-reserved facilities in a manner differentiated from other facilities (col. 22, lines 46, 55-56). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of DeLorme into the system taught by Mahoney in view of Laval to enable the user to visually identify selected geographical information (as taught by DeLorme; col. 22, lines 56-58). Moreover, this is merely a combination of known elements that could be incorporated by routine engineering producing predictable results.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628